THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.8067 of 2004

Date 19-6-2007

Between:
T. Ganganna,

.....

PETITIONER
AND

The Commissioner of Employment and Training,
and another

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.8067 of 2004

ORDER: (per Smt. T.Meena Kumari,J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Services appearing on behalf of the Respondent No.1. Though notice was served on the respondents 2 and 3, there is no representation on their behalf. Hence, the matter is decided on the basis of the material available on record.

Petitioner filed the present writ petition seeking a Writ of Certiorari to call for the records relating to and connected with the orders dated 8.3.2004 in O.A. No. 9025 of 1998, on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The brief facts of the case are that the respondents 2 and 3 herein fled O.A. No. 9025 of 1998 before the Tribunal assailing the proceedings No. C4/1902/98, dt. 8.12.1998 whereunder the petitioner and the 4th respondent herein were promoted as Training Officers in Zone IV with effect from 8.12.1998 with all consequential benefits.

Petitioner obtained National Trade Certificate (Turner) from Government I.T.I., Anantapur in 1975 and National Apprentice Certificate (Turner) from Anantapur in 1976. He also obtained C.T.I. (Turner) Certificate from I.T.I. (Turner) Certificate from Hyderabad. Petitioner joined the Government I.T.I. at Chittoor as Assistant Training Officer on 20.7.1979 and subsequently he was promoted as Deputy Training Officer at Chittoor on 8.8.1990. However, after obtaining permission from the Deputy

Director, Department of Employment and Training, Tirupathi, he completed Technician Engineers Examination in December, 1997 from the Institution of Mechanical Engineers, Mumbai. The Department of Education in the Ministry of Human Resources Development of the Government of India has recognized the pass in the examination held by Institute of Mechanical Engineers, Mumbai on par with a Diploma in Mechanical Engineering as awarded by State Polytechnic vide Government Notification No. F-1-5/87/T.7/T13, dt. 11.7.1988, for the purpose of employment to subordinate posts and services under the Central Government. The State Government vide G.O. Ms. No. 386,dated 25.10.1994 also held that the technical/professional qualifications recognized by the Central Government shall be recognized by the State Government also without further processing for recruitment to different posts in the State Government service. That apart, the Government of A.P. issued G.O. Ms. No.23, dt. 24.6.1995 making special rules for the purpose of appointment and promotions in A.P. Craftsmen Training Subordinate Services. As per Rule 3 of this G.O., the method of appointment to the post of Training Officer (Category – 1of Class-A) is by promotion from Category 2 of Class-A. The Director Employment and Training, Hyderabad vide Proceedings dated 8.12.1998 promoted this petitioner and Respondent No.4 herein as Training Officers in Zone IV after following cycle prescribed in G.O. Ms. No.23, dated 24.6.1995. At that stage, the respondents 2 and 3 herein filed O.A. No. 9025 of 1998 before the Tribunal challenging the promotion of the petitioner and the 4th respondent as Training Officers.

The Tribunal, by the order impugned in this writ petition dated 8.3.2004, declined to interfere with the promotion of the 4th respondent herein as Training Officer. So far as the petitioner herein is concerned, it has observed that in view of the letter dated 21.5.1996 issued by the Secretary, State Board of Technical Education and Training stating that the Technician Engineering course from Institute of Mechanical

Engineering (India), Bombay cannot be considered as equivalent to Diploma in Mechanical Engineering course offered by the State Board of Technical Education and Training, the promotion given to the petitioner has to be cancelled and accordingly cancelled the same and directed the authorities to consider the case of the respondents 2 and 3 herein in that place as per their seniority. It also directed that notional benefits should be given to the respondents 2 and 3 prior to the filing of O.A. and the monetary benefits be given to them after filing of the O.A.

There is no dispute about the fact that the petitioner herein has passed the Technician Engineers examination in the year 1997. There is also no dispute about the fact that the Department of Education in the Ministry of Human Resources Development of the Government of India has recognized the pass in the examination held by the Institute of Mechanical Engineers, Mumbai on par with a diploma in Mechanical Engineering as awarded by State Polytechnics vide Government Notification dated 11.7.1988. Further, the State Government also through G.O. Ms. No. 386, dated 25.10.1994 made it clear that the technical/professional qualifications recognized by the Central Government shall also be recognized by it. Accordingly, the case of the petitioner was considered for promotion to the post of Training Officer in the year 1998. The authorities cannot now turn round and say that the same is not equivalent and cancel the promotion order which was given to the petitioner on 8.12.98. Even in the proceedings dated 21.5.1996 issued by the Secretary, State Board of Technical Education & Training, there was no mention of the proceedings dated 11.7.1998 issued by the Central Government or the proceedings dated 25.10.1994 of the State Government. Further when the State Government itself in G.O. Ms. No. 386, dated 25.10.1994, has directed that all the qualifications recognized by Government of India are automatically recognized by the Andhra Pradesh State Government for employment and when the said G.O. has not been cancelled by the State Government, we do not find any

justification for the Tribunal in ordering cancellation of the promotion given to the petitioner on the ground that a wrong interpretation has been given to it.

Accordingly, we allow the writ petition and set aside the impugned order dated 8.3.2004 passed by the Tribunal and direct the 1st respondent to continue the petitioner as Training Officer. However, this order shall not be treated as a precedent for future cases.

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T. MEENA KUMARI,J

DATE: 19th June, 2007

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G. CHANDRAIAH,J

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